

MAR 4 2005



March 4, 2005

Patricia Hermosillo
Tribal Chairperson
Cloverdale Rancheria of Pomo Indians
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Cloverdale, CA 95425

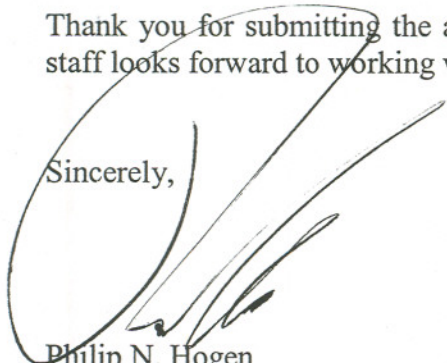
Re: Amendments to the Cloverdale Rancheria Tribal Gaming Ordinance

Dear Chairperson Hermosillo:

This letter is in response to your request for the National Indian Gaming Commission (NIGC) to review and approve amendments to the Cloverdale Rancheria of Pomo Indians of California Tribal Gaming Ordinance, Resolution No. 2004-12-96, approved by the General Council on December 11, 2004. This letter constitutes approval of your submission under the Indian Gaming Regulatory Act (IGRA). It is important to note that the Gaming Ordinance amendments are approved for gaming only on Indian lands, as defined in the IGRA, over which the Tribe has jurisdiction.

Thank you for submitting the amendments for review and approval. The NIGC staff looks forward to working with you and the Tribe on future gaming issues.

Sincerely,



Philip N. Hogen
Chairman

***Cloverdale Rancheria Of
Pomo Indians
Of California***

***Tribal
Gaming Ordinance***

Method Of Approval

I. General Council

April 15, 2000: The General Council approved Resolution No. 2000-04-35 which allows the Tribal Council to develop and implement the Gaming Ordinance on behalf of the Cloverdale Rancheria.

II. Tribal Council

May 2, 2001: The Tribal Council approved the Cloverdale Rancheria Tribal Gaming Ordinance.

III. National Indian Gaming Commission

May 9, 2001: The Tribal Council forwarded the Cloverdale Rancheria Tribal Gaming Ordinance to the National Indian Gaming Commission for approval.

July 3, 2001: The National Indian Gaming Commission forwarded its comments and requested changes to the Cloverdale Rancheria.

IV. Tribal Council

April 18, 2002: Sent notice to the General Council to review changes of the Cloverdale Rancheria Tribal Gaming Ordinance.

VI. General Council

May 18, 2002: The General Council at a Special called meeting approved the Cloverdale Rancheria Tribal Gaming Ordinance.

VII. National Indian Gaming Commission

June 4, 2002: Received approval of the Cloverdale Rancheria Tribal Gaming Ordinance by the National Indian Gaming Commission.

VIII. Tribal Council

December 8, 2004: The Tribal Council approved the proposed amendments to the Tribal Gaming Ordinance.

IX. General Council

December 11, 2004: The General Council at a Special called meeting approved the amendments to the Cloverdale Rancheria Tribal Gaming Ordinance.

X. National Indian Gaming Commission

_____: Received approval of the amendments to the Cloverdale Rancheria Tribal Gaming Ordinance by the National Indian Gaming Commission.

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I. Definitions

- A. Unless specified otherwise, the terms used herein shall have the same meaning as in IGRA, including but not limited to references to "Net Revenues" "Class I," "Class II," and "Class III," gaming, and except for references to "Commissioners," "Commission," or "Gaming Commission" which shall mean the Cloverdale Rancheria Tribal Gaming Commission or its Commissioners, established and described herein.
1. **"Closely Associated Independent Contractor"** shall mean any contractor that shares common ownership, officers or directors with any management principal or person related thereto.
 2. **"Gaming"** shall mean an activity in which a person stakes or risks something of value on the outcome of a contest including an element of chance or a future contingent event, not under his or her control or influence, upon an agreement or understanding that the person, or someone else, will receive something of value in the event of a certain outcome, but shall not include bona fide business transactions.
 3. **"Gaming Activities"** shall mean any Class I, Class II, or Class III gaming activity conducted by or under the jurisdiction of the Tribe.
 4. **"Gaming Commission"** shall mean the Cloverdale Rancheria Tribal Gaming Commission, as established herein, to monitor the gaming activities, investigate wrongdoing, conduct background investigations, issue licenses, and perform other duties as set forth in this Ordinance or that are required for the regulation of gaming on tribal lands.
 5. **"Gaming Contractor"** shall mean any person or entity that supplies gaming devices or other gaming equipment, personnel or services (including gaming management or consulting services) to any gaming activity or enterprise, except legal or audit services.
 6. **"Gaming Facility"** shall mean any gaming business, event, enterprise or activity conducted by or under the jurisdiction of the Tribe.
 7. **"National Indian Gaming Commission"** ("NIGC") shall mean the federal gaming regulatory commission established under IGRA.
 8. **"Net Revenues"** shall mean gross gaming revenues from all gaming activities of a Gaming Facility, less amounts paid out as, or paid for prizes and less total gaming-related operating expenses, excluding management fees, as determined in accordance with Generally Accepted Accounting Principals ("GAAP").

9. **“Person”** shall mean any natural person or entity, including but not limited to any government, except the Tribe, corporations, partnerships and trusts or any group or combination acting as a unit.
10. **“Related to”** shall refer to persons who are related as a father, mother, sister, brother, child, step-relative, spouse or domestic partner.
11. **“State”** shall mean the State of California.
12. **“Tribal Council”** shall mean the governing body of the Tribe as duly elected by the General Council.
13. **“Tribal Court”** shall mean any court or entity established or designated by the Tribe to hear disputes or, if there is none that can exercise jurisdiction, then the Tribal Council.
14. **“Tribal Lands”** shall mean all lands within the limits of the Cloverdale Rancheria original boundaries and; lands over which the Cloverdale Rancheria exercise governmental power and; any other lands the title to which now or hereafter is either held in trust by the United States for the benefit of the Cloverdale Rancheria or an individual member held by the Cloverdale Rancheria which are subject to restriction gains alienation imposed by the United States.
15. **“Tribal Member”** shall mean any duly enrolled member of the Cloverdale Rancheria as acknowledged by the Cloverdale Rancheria and as recorded on the Tribe’s most recent membership records.

II. Short Title

- A. The Cloverdale Rancheria of Pomo Indians of California, a federally recognized Indian Tribe ("Cloverdale" or "Tribe"), which exercises governmental powers over those Indian Lands located within the former boundaries of the Cloverdale Rancheria ("Tribal Lands"), and acting through its General Council in the exercise of its inherent sovereign power to enact Ordinances and otherwise safeguard and provide for the health, safety and welfare of the Rancheria and members of the Tribe, hereby enacts this Ordinance which shall hereinafter be cited as the "Cloverdale Rancheria Tribal Gaming Ordinance".

III. Purpose

- A. The Cloverdale Rancheria of Pomo Indians of California, as beneficial owner of the Cloverdale Rancheria, and acting through its General Council in the exercise of its inherent sovereign power to enact Ordinances and otherwise safeguard and provide for the health, safety, and welfare of the Cloverdale Rancheria and the members of the Cloverdale Rancheria, hereby ordains and establishes this Ordinance for the purpose of authorizing and comprehensively and preemptively regulating the terms conditions under which Class I, Class II, and Class III gaming may be conducted within the boundaries or lands under the jurisdiction of the Cloverdale Rancheria.

IV. Findings and Policy

A. The Tribe finds that:

1. Gaming on its Tribal Lands is a valuable means of generating revenues that are needed for economic development, to promote tribal self-sufficiency, employment, and a strong Tribal Government, and to fund and ensure essential social programs and services;
2. Cloverdale Rancheria desires to conduct certain forms of gaming to provide needed revenues to the Tribe, and to regulate and control such gaming in a manner that will protect the environment, the Rancheria, the health, security and general welfare of the Tribe, the players, employees and the community; and
3. Cloverdale Rancheria desires to prohibit all gaming on lands within its jurisdiction except in a Gaming Facility owned and operated by the Tribe. Thus, Cloverdale Rancheria shall own all gaming on Tribal trust lands and all Tribal Lands within the boundaries of the former Rancheria, and shall manage and regulate such gaming in a manner that will adequately address such special interests and needs of the Tribe.
4. To accomplish the goals set forth in (1) through (3) above, the Cloverdale Rancheria desires to establish an independent Tribal Gaming Commission, separated completely from the Tribe's role as the owner and operator of its Gaming Facility, with the authority to regulate all forms of gaming on Cloverdale's Tribal Lands and to enforce the provisions of IGRA, this Ordinance, and any Compact that may be in effect.

V. Gaming Authorized

- A. Class II gaming as defined in the Indian Gaming Regulatory Act, P.L. 100-447, 25 U.S.C. Section 2703(7)(A) ("IGRA"), and by regulations lawfully promulgated by the National Indian Gaming Commission ("NIGC") that now or hereafter may be in effect is hereby authorized.
- B. Class III gaming as defined in IGRA, 25 U.S.C. Section 2703(8) and by regulations promulgated by the NIGC that now or hereafter may be in effect is hereby authorized; provided, however, that such gaming is also authorized by and consistent with a Tribal-State Compact that has been approved by the Secretary of the Interior and is in effect, or otherwise has been authorized by the Secretary of the Interior or federal law and is in effect.
- C. Traditional Indian Games as defined by the Cloverdale Rancheria General Council. (Class I)

VI. Ownership of Gaming Facilities and/or Enterprises

- A. The Cloverdale Rancheria of Pomo Indians of California shall have the sole proprietary interest in and responsibility for the conduct of any gaming facilities and/or enterprise(s) authorized by this Ordinance.
1. All Gaming Operations of Tribal lands shall be conducted by the Cloverdale Rancheria or its management contractors only.
 2. All gaming activities provided for by this Ordinance within the lands of the Cloverdale Rancheria shall be conducted in conformance with the requirements of this Ordinance, the Indian Gaming Regulatory Act, 102 Stat. 2467, 25 U.S.C. Section 2701, et sec, as implemented by the regulations, and the provisions of any Tribal-State Compact governing Class III gaming on the Cloverdale Rancheria Tribal Lands.
 3. Tribal Lands shall mean all lands within the limits of the Cloverdale Rancheria original boundaries and; lands over which the Cloverdale Rancheria exercise governmental power and; any other lands the title to which now or hereafter is either held in trust by the United States for the benefit of the Cloverdale Rancheria or an individual member held by the Cloverdale Rancheria which are subject to restriction against alienation imposed by the United States.

VII. Use of Gaming Revenue

- A. Except as specifically authorized pursuant to subsection B of this section, net revenues from Class II and Class III gaming on the Cloverdale Rancheria shall be used only for the following purposes:
 - 1. Funding of Cloverdale Tribal Government operations and programs;
 - 2. Providing for the general welfare of the Cloverdale Rancheria and its members;
 - 3. Promoting Cloverdale Rancheria's economic development;
 - 4. Donating to charitable organizations; or
 - 5. Assisting with funding the operations of local government agencies.
- B. If the Cloverdale Rancheria's General Council elects to make per capita payments to Cloverdale Tribal Members, it shall authorize such payments only in conformity with a plan submitted to and approved by the Secretary of the Interior pursuant to 25 U.S.C. Section 2710 (b)(2).
- C. Except as provided for under the terms of a management agreement or financing documents entered into in conformity with IGRA or as otherwise permitted by law, all receipts from any Class II or Class III gaming activities are the property of the Tribe. Any Tribal profits or net revenues from Class II or Class III gaming activities transferred to the Tribe by its Tribal Gaming Facility or gaming related activities on a monthly basis shall be deposited into the Tribe's general treasury or such other tribal account as the Tribe shall determine. Once transferred to the Tribe and paid into the treasury, such funds shall lose any identity as gaming revenues except to the extent necessary to identify them as such in order to comply with applicable law. Payments from the general treasury funds to Tribal members under other Tribal programs, including those related to health, welfare, education, elderly care, and housing, shall not be deemed to be per capita payments.

VIII. Audit

- A. The Cloverdale Tribal Council shall cause to be conducted at least annually an independent audit of all gaming operations. The Tribal Council shall direct and instruct the Gaming Commission to research and investigate potential external auditors. Upon the completion of all research and investigation, the Gaming Commission shall present three (3) proposals to the Tribal Council. The Tribal Council shall select one (1) proposal, and direct the Gaming Commission to hire the selected competent and reputable external auditor to conduct an annual independent audit of all gaming operations. The resulting audit reports shall be distributed to the Tribal Council and the National Indian Gaming Commission. The resulting audit reports may be submitted to other agencies as may be required by the terms and conditions of any Class III compact or other document authorizing Class III gaming on the Cloverdale Rancheria. The Management of the Gaming Facility will receive a copy of the Independent Audit with a cover letter from the Gaming Commission stating a deadline date to conform to the necessary changes recommended by the external auditor.
- B. All gaming-related contracts that result in the purchase of supplies, services, or concessions, except contracts for professional legal and accounting services, shall be specifically included within the scope of the audit that is described in Subsection A above.
- C. The Gaming Facility shall keep permanent books of account or records, including inventory records of gaming supplies, sufficient to establish the amount of gross and net income, deductions and expenses, receipts and disbursements, and other information required in any financial statement, report or other accounting prepared pursuant to the Act or Chapter III in Title 25 C.F.R.
- D. No later than the fifteenth (15th) day of each month, each gaming operator shall provide, in a report form prescribed by the Gaming Commission, a statement of gross revenues, assessable gross revenue and net revenues received or collected at each gaming establishment during the immediate preceding month.
- E. All papers, books, and records including computer records of the gaming operation relating to licensed gaming activities shall be subject to inspection, examination, photocopying, and auditing by the Gaming Commission, State Agents and the NIGC's authorized representatives at anytime during reasonable hours. All such papers, books and records shall be retained not less than seven (7) years.

- F. The Tribal Council may elect to approve a more efficient method of file retention. The files are to be maintained as is for a three (3) year period and then converted to the more efficient method provided the Tribal Council has approved the method.

IX. Protection of the Environment and Public Health and Safety

- A. Class II and Class III gaming facilities on the Cloverdale Rancheria shall be constructed, maintained and operated in a manner that adequately protects the environment and the public health and safety. Uniform Standard Building Codes may be used to assure a facility is constructed and maintained in a manner, which compliments the protection of the environment and public health and safety.
- B. The Cloverdale Tribal Council shall have the primary responsibility for assessing environmental impact of all construction and gaming operations through the development of an Environmental Protection Act Program, and shall take such measures as it determines may be reasonably necessary to mitigate any adverse environmental impacts identified.
- C. The Tribal Council shall develop, create and implement the Cloverdale Rancheria Building Standards Ordinance and Environmental Ordinance.
- D. The Management of the Tribal Gaming Enterprise must submit current structural plans of the Gaming Facility, noting location of Video/Slot machines, Card Tables, and Promotional display areas. If the Management decides to alter the current layout of the floor plan, the plans must be presented to the Gaming Commission for review and approval prior to any alterations including but not limited to moving of machines, adding on rooms, or entertaining various promotional displays.

X. Licenses for Key Employees and Primary Management Officials

- A. The Gaming Commission or its designated gaming regulatory employees shall ensure that the policies and procedures set out in this section are implemented with respect to Key Employees and Primary Management Officials employed at any Class II and/or Class III Gaming Facility operated on Tribal lands within the boundaries of the Cloverdale Rancheria.
- B. It shall be the responsibility of the Gaming Commission to prepare comprehensive regulations that entail procedures to address all issues relating to licenses or background investigations. These regulations are to be inclusive of all items listed and those that may need to be created to respond to issues that have not yet been addressed. This includes regulations that address procedures for the documentation of all potential problem areas and disqualifying information discovered during a background investigation. As well as a regulation that must include procedures for the verification of information submitted by Key Employees and Primary Management Official applicants.
- C. For the purpose of this section, the following definitions apply:
 - 1. Key employee means a person who performs one or more of the following functions:
 - (a) Bingo Caller;
 - (b) Count Room Supervisor
 - (c) Director of Security
 - (d) Cashiers
 - (e) Floor Managers
 - (f) Pit Boss
 - (g) Dealer
 - (h) Drop Team Members
 - (i) Video/Slot Technicians
 - (j) Croupier
 - (k) Approver of credit
 - (l) Custodian of gaming supplies or cash
 - (m) Custodian of gambling devices including persons with access to cash and accounting records within such devices.
 - (n) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or
 - (o) If not otherwise included, the four most highly compensated persons in the gaming operation.

- D. Primary Management Official means:
1. The person having management responsibility for a management contract;
 2. Any person who has authority to:
 - (a) hire and fire employees; or
 - (b) set up working policy for the gaming operation; or
 3. The Chief Financial Officer, or other person who has financial management responsibility.
- E. The following notice shall be placed on the application form of a Key Employee or a Primary Management Official before that form is filled out by an applicant:
1. In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. Section 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by the National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to members of the Cloverdale Tribal Council and Gaming Commission, as well as appropriate Federal, State, Local or foreign law enforcement and regulatory agencies when relevant to civil, criminal, or regulatory investigations or prosecutions. Further, the information may be disclosed to another federally recognized American Indian tribe or the National Indian Gaming Commission in connection with the hiring or firing of an employee or the issuance or revocation of a gaming license. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to hire you in a Primary Management Official or Key Employee position.
 2. The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application.
 3. Existing Key Employees and Primary Management Officials shall be notified in writing that they shall either:
 - (a) Complete a new application form that contains a Privacy Act notice; or
 - (b) Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice.

4. The following notice shall be placed on the application form for a Key Employee or a Primary Official before that form is filled out by an applicant:
 - (a) A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment. (18 U.S.C. Section 1001).
 5. The Gaming Commission shall notify in writing existing Key Employees and Primary Management Officials that they shall either:
 - (a) Complete a new application form that contains a notice regarding false statements; or
 - (b) Sign a statement that contains the notice regarding false statements.
- F. Through the Background Investigations of the Gaming Commission shall request from each Primary Management Official and from each Key Employee all of the following information:
1. Full name, other names used (oral or written), Social Security number(s), birth date, place of birth, citizenship, gender, and all languages spoken or written;
 2. Currently and for the previous five years: all business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;
 3. The names and current addresses of at least three personal references, including one personal reference who were acquainted with the applicant during each period of residence listed under paragraph (2) of this Subsection;
 4. Current business and residence telephone numbers;
 5. A description of any existing and previous business relationships with the Cloverdale Rancheria or any other Indian Tribe, including ownership interests in those businesses;
 6. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
 7. The name and address of every licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming whether or not such license or permit was granted;
 8. For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition if any;

9. For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within ten years of the date of the application, the name and address of the court involved and the date and disposition;
10. For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within ten years of the date of the application and is not otherwise listed pursuant to the paragraph (8) or (9) of this Subsection, the criminal charge, the name and address of the court involved and the date and disposition;
11. The name and address of each licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
12. A current photograph;
13. Any other information the Gaming Commission may deem relevant under the circumstances; and
14. Fingerprint cards of the applicant will be taken by the Cloverdale Rancheria Tribal Gaming Commission and forwarded to the National Indian Gaming Commission. The National Indian Gaming Commission will forward the fingerprint cards to the Federal Bureau of Investigations for criminal history records of the individual as stated in terms listed in a Memorandum of Understanding between the Cloverdale Rancheria and the National Indian Gaming Commission. A criminal history check will include a check of criminal history records information (CHRI) maintained by the Federal Bureau of Investigation in accordance with 25 C.F.R. Section 522.2(h).

G. The Gaming Commission shall conduct an investigation sufficient to make a determination under Subsection H, below. In conducting a background investigation, the Gaming Commission shall keep confidential the identity of each person interviewed in the course of the investigation, unless legally compelled to disclose this information.

H. Eligibility Determination

1. The Gaming Commission shall review an applicant's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility of a Key Employee or Primary Management Official for employment in a Gaming Facility. If the Gaming Commission determines that employment of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, the gaming operation or management

- contractor shall not employ that person in a Key Employee or Primary Management Official position.
2. The Gaming Commission may issue or renew a gaming license to an applicant who submits a proper and completed application and pays the appropriate annual license fee, provided that the Gaming Commission determines that the applicant:
- (a) is not a minor;
 - (b) is a person of good character, honest and integrity;
 - (c) has no prior activities, criminal record, reputation, habits and associations which pose a threat to the public interest or the interest of the Cloverdale Rancheria or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods and activities in the conduct of gaming or the carrying in if the business and financial arrangements incidental to the conduct of gaming;
 - (d) is a person who has been convicted, or is known but has not been convicted of violent sexual acts against women or children
 - (e) has not supplied false and/or misleading information or who has not omitted material information require under this Ordinance, the Act, and 25 C.F.R. Chapter III;
 - (f) has not had, or is not in privity with anyone who has had, a gaming license revoked for cause in any jurisdiction since the effective date of the Act;
 - (g) has complied with this Ordinance or any resolution adopted or any regulation implemented by the Gaming Commission;
 - (h) does not occupy a competing position in the employ of another Tribe within a twenty (20) mile radius of any Tribal Gaming Operation; and
 - (i) does not violate any of the requirements set forth in 25 U.S.C. Section 2711 (a) and (e).
3. The Gaming Commission shall make the final decision as to whether a gaming license shall be issued, suspended or revoked.
4. Until authorized by a Tribal-State Compact, no gaming license shall be issued by the Gaming Commission for Class III Gaming.

I. National Indian Gaming Commission Reports and Applications

1. When a Primary Management or a Key Employee begins work at the gaming operation authorized by this Gaming Ordinance, the Gaming Commission shall forward to the National Indian Gaming Commission a completed application for employment that contains the notices and information listed in Subsection E and F of this Section. The Gaming Commission will conduct the background investigation and make the eligibility determination referred to in Subsections F through H of this Section.
2. Upon completion of the above, the Gaming Commission shall forward an investigative report as set forth in Subsection J of this Section to the National Indian Gaming Commission within 60 days after an employee begins work or within 60 days after the approval of this Gaming Ordinance by the Chairperson of the National Indian Gaming Commission.
3. The Gaming Operation shall not employ a person as a Key Employee or Primary Management Official who does not have a permanent license after 90 days.

J. Investigative Report

1. Pursuant to the procedures set out in Subsection I of this Section, the Gaming Commission shall prepare and forward to the National Indian Gaming Commission an investigative report on each background investigation.
2. An investigative report shall include all of the following:
 - (a) Steps taken in conducting the background investigation
 - (b) Results obtained
 - (c) Conclusions reached; and
 - (d) The basis for those conclusions.
3. The Gaming Commission shall submit, with the report, a copy of the eligibility determination made under Subsection H of this Section.
4. If a license is not issued to an applicant, the Gaming Commission:
 - (a) Shall notify the National Indian Gaming Commission; and
 - (b) May forward copies of its eligibility determination and investigative report (if any) to the National Indian Gaming Commission for inclusion in the Indian Gaming Individuals Records System.
5. With respect to Key Employees and Primary Management Officials, the Gaming Commission shall retain applications for employment and reports (if any) of background investigations for inspection by the Chairperson of the National Indian Gaming Commission or his or her designee for no less than three (3) years from the date of termination or denial of employment.

K. Granting a Temporary Gaming License

1. When the Gaming Facility proposes to hire a new employee, the Gaming Facility shall submit applications of proposed employees with the designated fees to the Gaming Commission.
2. The Gaming Commission shall then run the initial background investigation of prospective employees. If the initial investigation is satisfactory, the Gaming Commission shall inform the Gaming Facility.
3. The Gaming Facility shall then have the prospective employee submit to a drug test, and provided that the results are satisfactory, the prospective employee shall set a time to meet with the Gaming Commission.
4. Once the prospective employee sets a time for meeting with the Gaming Commission, the Gaming Commission may then issue a Temporary Gaming License.
5. If the preliminary background investigation is not satisfactory, the Gaming Commission may elect not to issue a Temporary Gaming License. If this is done, the prospective employee will be denied the issuance of a Temporary Gaming License.
6. The Gaming Commission shall act promptly as to issuing a Temporary Gaming License.

L. Withdrawal of Temporary Gaming License Issuance

1. If, during the initial background investigation, the Gaming Commission finds that an employee is unsuitable for a gaming license, a Temporary Gaming License previously issued may be withdrawn.
2. Written notice that a Temporary Gaming License has been withdrawn shall be provided to the employee and the General Manager of the Gaming Facility by the Gaming Commission.
3. A decision by the Gaming Commission to withdraw a Temporary Gaming License is final and unreviewable.

M. Granting a Gaming License

1. If, within a thirty (30) day period after the National Indian Gaming Commission receives a report, the National Indian Gaming Commission notifies the Gaming Commission that it has no objection to the issuance of a license pursuant to a license application filed by a Key Employee or a Primary Management Official for whom the Gaming Commission has provided an application and investigative report to the National Indian Gaming

Commission, the Gaming Commission may issue a license to such an applicant.

2. The Gaming Commission shall respond to a request for additional information from the Chairperson of the National Indian Gaming Commission concerning a Key Employee or a Primary Management Official who is the subject of a report. Such a request shall suspend the 30-day period under Subsection M of this Section until the Chairperson of the National Indian Gaming Commission receives the additional information.
3. If, within the thirty (30) day period described above, the National Indian Gaming Commission provides the Gaming Commission with a statement itemizing its objections(s) to the issuance of a license to a Key Employee or to a Primary Management Official for whom the Cloverdale Rancheria has provided an application and investigative report to the National Indian Gaming Commission, the Gaming Commission shall reconsider the application, taking into account the objection(s) itemized by the National Indian Gaming Commission. The Gaming Commission shall make the final decision whether to issue a license to such an applicant.

N. License Suspension

1. If, after the issuance of a gaming license, the Gaming Commission receives from the National Indian Gaming Commission reliable information indicating that a Key Employee or a Primary Management Official is not eligible for employment under Subsection M above, the Gaming Commission shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation. The Gaming Commission shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license. After a revocation hearing, the Gaming Commission shall decide whether to revoke or to reinstate a gaming license. The Gaming Commission notifies the National Indian Gaming Commission of its decision.

O. Gaming License Fees

1. All fees for gaming licenses shall be set at the discretion of the Gaming Commission. The Gaming Commission reserves the right to change gaming license fees at anytime for any license type or class. If the cost of an investigation exceeds the license fee established, the Gaming Commission also reserves the right to request payment of any additional expenses incurred. All applicants must promptly comply with any requests from the

Gaming Commission to provide a deposit sufficient to cover the estimated cost of the background investigation and processing.

P. Classes and Types of Licenses Issued

1. Employee Licenses
 - (a) Class A: Key Gaming Employee License
 - (b) Class B: Non-Key Gaming Employee License
 - (c) Class C: Primary Management
2. Vendor Permit Licenses
 - (a) Class I: Businesses
 - (b) Class II Principals
 - (c) Class III Consultants

Q. Eligibility Requirements

1. All Classes and Types of Licenses issued as stated in Subsection N are subjected to Section X Licenses for Key Employees and Primary Management Officials.
2. The Commission will create a regulation, which will set the process of applications, background checks and license fees.

R. Tribal Council Review

1. The Gaming Commission must receive Tribal Council approvals on the following individuals prior to the commencement of a background investigation:
 - (a) Human Resource Director
 - (b) Chief Financial Director/Controller
 - (c) Marketing/Promotion Director
 - (d) Security Director
 - (e) Gaming Operations Director
 - (f) Personnel not specifically listed herein who hold Managerial positions at the Director level or higher.
2. The positions/personnel listed herein must be interviewed by the Tribal Council prior to selection. After the Tribal Council reviews the applicant, the Tribal Council may either forward a letter of approval to the Commission authorizing the background process to begin or a letter to the General Manager declining the applicant.

S. Tribal Council Backgrounds

1. The Gaming Commission is required to conduct discrete background investigations upon the Tribal Council. The Commission must conduct the background investigation at the level of Primary Management. (Class C)
2. Through the course and outcome of the background investigation, the Gaming Commission does not have the authority to alter or take away from the authorities, duties and powers of the Tribal Council, as granted by the General Council or Constitution.

T. Finger Prints

1. The Gaming Commission shall be responsible in designating specific individuals within the Gaming Commission Background Investigation Department to attend a fingerprinting course conducted by a law enforcement agency.
2. The specific individuals, once certified to take fingerprint cards, may begin taking fingerprint cards for the Tribe.
3. The Gaming Commission may then send the fingerprint cards directly to the National Indian Gaming Commission.

XI. Vendor License Permits/Contracts/Agreements

- A. The Gaming Commission shall review prospective Vendor backgrounds and contracts/agreements before issuing a Vendor License Permit or approving a contract between the Cloverdale Rancheria and the prospective vendor. A Vendor must have a Vendor License Permit and a contract, which complies with the Gaming Commission Certification Process, from the Gaming Commission before commencing work on the Cloverdale Rancheria for any gaming related activity. Eligibility Determination shall be as defined in Section X, Subsection H.
- B. Any Vendor or prospective Vendor that has or wishes to provide services or goods for any gaming related activity must complete an application for a Vendor License Permit and submit the application and required fees to the Gaming Commission in accordance with the policies and procedures of the Gaming Commission.
- C. The Gaming Commission shall create regulations that define how prospective Vendors obtain licenses. The regulations shall be consistent with this Ordinance, Federal policies, regulations, and procedures and applicable State policies, regulations, or procedures.
- D. Certification Process of the Gaming Commission is to ensure that the Gaming Facility/Enterprise cannot or does not enter into a contract with a prospective Vendor unless the prospective Vendor has been licensed by the Cloverdale Rancheria Tribal Gaming Commission. If, however, a Vendor has a current license from the Cloverdale Rancheria Tribal Gaming Commission that is valid, the Gaming Facility/Enterprise need not obtain further Gaming Commission approvals of subsequent contracts unless said contracts exceed \$10,000.00 or require any form of a waiver of sovereign immunity.
- E. At minimum the Certification Process will include regulations, policies and/or procedures to address the following: Tribal Attorney and Tribal Council review and approvals; Gaming Commission certification that approvals have been granted; Reviews and approvals of the limited waiver of sovereign immunity on a case-by-case basis as deemed necessary; Proposed Vendor submission of all requested documents to ensure a comprehensive background; Certification of receipt of all fees and the issuance of a Vendor License Permit prior to the signing of any contract with proposed Vendors.

XII. Licensing of Gaming Places, Facilities and Locations

- A. A separate license shall be required for each place, facility, or location on Tribal Lands where Class II and/or Class III gaming is to be conducted on the Cloverdale Rancheria. Before Class II or Class III gaming activities can be conducted therein, the Gaming Commission shall inspect and license each facility in accordance with this Ordinance and any requirements of IGRA and the Compact. In issuing the license, the Commission shall determine whether the facility is safe for human occupancy, including, but not limited to, finding that the facility meets all Federal OSHA and applicable uniform building code, health, and safety code requirements.
- B. Nothing in this Ordinance shall prevent the Tribe, through its General Council, from delegating the authority to conduct gaming to one or more Tribal Corporations, so long as the Tribal Gaming Facilities to which such authority is delegated agree to meet all criteria and requirements established under this Ordinance.
- C. Gaming permitted as licensed, except to the extent authorized by an agreement pursuant to the provisions of IGRA or as otherwise permitted by law, gaming activities shall only be conducted in tribally owned, operated and licensed facilities pursuant to the provisions of the Ordinance. Such activities shall be conducted in accordance with the terms and conditions of any license issued by the Gaming Commission for such purposes as to each facility before any gaming activities may occur herein. Such licenses shall specify the hours of operation, type and scope of gaming activities allowed therein, permitted uses of the facility for other activities, rules of conduct for employees and patrons, regulation of alcoholic beverages, food handling and entertainment, and such other matters as the Gaming Commission may deem necessary to the conduct of gaming activities therein or the Compact may require.

XIII. Creation of the Cloverdale Rancheria Tribal Gaming Commission

- A. The Cloverdale Rancheria Tribal Gaming Commission shall consist of (3) three persons who would themselves qualify for a Class C license under this Ordinance.
- B. The Cloverdale Rancheria Tribal Council shall open the positions through two phases. The first phase shall open the positions of Commissioners to the Cloverdale Rancheria General Membership. The second phase will open the unfilled Commissioner positions to non-members,
 - 1. Qualifications
 - (a) High School Diploma, GED, or equivalent.
 - (b) Must have knowledge of Gaming Industry and willing to train for this position.
 - (c) Written and oral communication skills.
 - (d) Willing to travel and be available for training.
 - (e) Professional attire is a requirement.
 - (f) Must have the ability to work with staff, Tribal, Federal, State, and Local Agencies.
 - (g) Must be available during Casino working hours.
 - (h) Must be able to pass a drug test.
 - 2. Disqualifications

The following persons may not serve as Commissioners:

 - (a) Employees of the Tribe's Gaming Facility;
 - (b) Persons related to any Gaming Contractor (including any principal thereof or closely associated independent contractor);
 - (c) Member of the Tribal Council; and
 - (d) Any person who cannot satisfy the licensing requirement for a Primary Management Official (Class C).
 - 3. Selection Process
 - (a) Job postings shall be advertised for a fourteen (14) day period:
 - (1) Notice mailed to the Cloverdale Rancheria General Council.
 - (2) Job posting in the local newspaper as defined by the Tribal Council.
 - (b) The Tribal Council will close the acceptance of applications thirty (30) days after the last day posted.
 - (c) The Tribal Council will review the applications through two (2) Tribal Council Meetings.
 - (d) The Tribal Council shall select ten (10) applicants.

- (e) The ten (10) applicants shall submit to a background investigation as conducted by the Tribal Council.
 - (f) The Tribal Council shall complete the interview process within fourteen (14) days.
 - (g) At the completion of the interview process, the Tribal Council shall take into consideration the results of the background investigation, to ensure all applicants are eligible to proceed. For those applicants that the Tribal Council find do not fulfill the requirements set forth in the Ordinance, the Tribal Council shall notify the applicant that they did not fulfill the requirements of licensure. The remaining applicants shall proceed to the next stage of the process.
 - (h) The Tribal Council shall select five (5) applicants within seven (7) days of the completion of the interviews.
 - (i) The Tribal Council shall rank the five (5) applicants in order.
 - (j) The Tribal Council will notify the top three (3) applicants of their selection for hire.
 - (k) The two remaining applicants shall serve, as alternates in the event one of the three selected Commissioners are unable to fill the positions.
 - (l) This position shall remain the same when a Commissioner position becomes vacant and the position must be filled.
4. Compensation
- (a) Employed Commissioners are placed on a ninety (90) day probationary period as defined within the Cloverdale Rancheria Tribal Administration Policies and Procedures.
 - (b) Commissioners that pass the probationary period are entitled to benefits to include Dental, Medical, and Vision to be compensated by the Cloverdale Rancheria Tribal Administration.
 - (c) The Commissioners salaries shall be set by the Cloverdale Rancheria Tribal Council in comparison to that of other Tribal Regulatory Agencies, with consideration of facility size, employees, vendors, duties, responsibilities, and authorities.
 - (d) The Commissioners are covered by the policies and procedures set in place by the Cloverdale Rancheria Tribal Council. This includes salary changes, performance reviews/evaluations, and disciplinary actions. This option or sections may be delegated to the Gaming Commission upon approval of the Cloverdale Rancheria Tribal Council.
 - (e) The Tribal Council will select the Chairperson of the Tribal Gaming Commission.

5. Removal

- (a) The Commissioners are hired and employed by the Cloverdale Rancheria Tribal Council, their resignation, or termination shall be conducted in accordance with the policies and procedures set forth by the Cloverdale Rancheria Tribal Council. In the event of termination or resignation the position that is vacated shall follow the provisions set forth in Section XIII.

6. Authorities

- (a) The Gaming Commission shall be authorized and is hereby directed to promulgate, subject to review and approval by the Tribal Council, detailed and comprehensive regulations. Said regulations shall describe and establish the rules for each specific Class II and Class III gaming activity that may be conducted on the Rancheria without prior approval by the Gaming Commission. Pending approval of the Gaming Commission regulations by the Tribal Council, interim regulations that the Tribe may adopt shall govern gaming on the Cloverdale Rancheria. The Gaming Commission shall create and implement a comprehensive Minimum Internal Control Standards on behalf of the Cloverdale Rancheria.
- (b) The Gaming Commission shall have the power and responsibility to:
 - (1) enforce and administer provisions of this Ordinance;
 - (2) investigate any suspicion of wrongdoing in connection with any gaming activities;
 - (3) issue and renew gaming licenses as provided in this Ordinance and in any regulation, which may be promulgated by the Gaming Commission;
 - (4) revoke, suspend, or condition a gaming license or deny an application for a license for violation of applicable law or Ordinance regulating gaming, or conviction of any offense involving a gaming related crime or moral turpitude;
 - (5) collect fees and interest as provided for in this Ordinance;
 - (6) assess and collect penalties provided for in this Ordinance;
 - (7) adjust the respective amounts of the license fee, provided that such fees shall not be increased retroactively;

- (8) audit or cause to audit expenditures, receipts and reports of licensee responsible for managing a Tribally-Owned Gaming Facility;
- (9) review on demand, such books and records and inspect the premises and operation of licenses as deems necessary for the enforcement of this Ordinance;
- (10) supervise, operate and maintain gaming observation systems in coordination with Tribal Police/Tribal or Casino Security Department;
- (11) draw up such forms, as it deems necessary;
- (12) institute such legal proceedings in the name of the Cloverdale Rancheria in a court of competent jurisdiction, as it deems necessary for the enforcement of this Ordinance;
- (13) conduct hearings provided for in this Ordinance;
- (14) deposit all fees, penalties, and interest collected under authority of this Ordinance into an account to the credit of the Tribe;
- (15) maintain a correct and full accounting of all fees, penalties, and interest received under authority of this Ordinance, and provide a monthly record of that accounting; and
- (16) implement and administer a system for investigating, licensing and monitoring employees and other connected with gaming activities, as described;
- (17) hear patron complaints against the Gaming Facility, in accordance with the procedures established in this Ordinance;
- (18) to the extent required, comply with any reporting requirements established under a Tribal-State compact to which the Tribe is a party and other applicable law, including the IGRA;
- (19) levy or issue fees on applicants for gaming licenses to cover the cost of conducting background investigations, issuing gaming licenses to persons engaged or wishing to engage in gaming activities on the Rancheria; and
- (20) levy fines, suspend, or revoke gaming license for violations of this Ordinance or the Tribal Gaming Commission regulations;
- (21) certify compliance with building safety standards adopted by the Tribe;
- (22) take such other actions, issue such orders, and promulgate such regulations, as the Gaming

- Commission may deem necessary to properly and fully perform its duties and responsibilities under this Ordinance;
- (23) possess all necessary authority to fulfill the functions required by a Class III Tribal-State Compact entered into between the Tribe and the State of California.
 - (c) The Gaming Commission, acting wholly independent from the Tribal Council, is hereby designated as Cloverdale Rancheria's regulatory agency with full authority to monitor compliance with this Ordinance and its Regulations, and to investigate and act to prevent any violation(s) thereof.
 - (d) Subject to its appropriation of funds therefore, the Gaming Commission shall be authorized to employ such staff, as it deems necessary to fulfill its responsibilities under this Ordinance. Compensation of commission employees shall be limited to that which is comparable to compensation paid to person performing similar duties in other governmental gaming regulatory agencies.
 - (e) To ensure the Cloverdale Rancheria's regulatory body is able to carry out its obligations to the Tribe, there shall be a clear division between the Gaming Commission and the Gaming Facility. The Tribe will be ultimately responsible for providing the funding necessary to operate the Gaming Commission. To fund same, the Tribe will impose a Regulatory Tax on the Gaming Facility/Enterprise. The Tribe shall issue funding to the Gaming Commission based upon an approved Budget. The Tribal Council, upon receipt of a budget from the Gaming Commission, shall review the budget, make necessary adjustments and approve the Commission Budget. At a duly called Tribal Council meeting a quorum of three (3) Tribal Council members must be present to approve the budget. Upon approval of the budget, the Cloverdale Rancheria Tribal Council will designate the manner in which the allocated funds are to be distributed to the Gaming Commission. The allocated funds are utilized to open a checking account with four (4) check signers; (2) Tribal Gaming Commissioners and (2) Tribal Council members. Each check must have the signature of one (1) Commissioner and one (1) Tribal Council member. Any additional funding requested will be deposited directly into the Tribal Gaming Commission Account.

- (f) The manner prescribed will allow the Cloverdale Tribal Council access to the allocated funds at all times. The allocated funds are to be used at the discretion of the Gaming Commission, in accordance with an approved budget. The allocated funds are to be used for all departments of the Gaming Commission. Note the Gaming Commission is required to submit quarterly reports of expenditure to the Tribal Council. The Tribal Council may at any time request a full report of budget and expenditures beyond the quarterly requirements.
 - (g) If the Gaming Facility does not adhere to the directions listed within this Ordinance then the Gaming Commission may take necessary action as defined within this Gaming Ordinance.
 - (h) The Gaming Commission hereby is authorized to establish and impose upon gaming facilities, permitted, applicants, and licenses such application, permit and license fees as may be necessary to fully reimburse the Cloverdale Tribal Council for its actual cost of operating the Gaming Commission. All such fees shall be collected by the Gaming Commission and hereby are continuously appropriated solely for the purposes enumerated in this Subsection.
 - (i) Failure to timely pay any gaming-related fee imposed by the Cloverdale Gaming Commission, or to comply with any Commission regulation or order, or any other violation of this Ordinance or the terms of any Class III gaming compact authorizing and regulating gaming on the Cloverdale Rancheria, shall be grounds for suspension or revocation of any license or permit issued pursuant to this Ordinance, exclusion of any non-member from the Cloverdale Rancheria, and imposition of such other sanctions as the Gaming Commission may deem appropriate.
7. Approvals/Adoptions
- (a) When the Tribal Gaming Commissioners are required to approve or adopt documents, the following must exist:
 - (1) Quorum of three (3) members of the Commission shall constitute a quorum.
 - (2) All voting actions of the Commission shall be taken by a majority vote of those members present at the meeting. The Commission Chairperson may vote on any issue.

- (3) Meetings location, day, time shall be established by the Commission. Notice of a special meeting shall be given in writing to each Commissioner, served by first class mail or personal delivery at least five (5) business days before such meeting. Meetings may be called at any time, by any means, with unanimous consent of the Commissioners.

XIV. Conflict of Interest

- A. Where any investigation by the Commission (whether investigation of suspected violation of applicable law or regulation by the Gaming Facility and/or its employees, background investigations for licenses, or other suitability determination) involves a member of the immediate family (i.e. father, mother, sister, brother, husband, wife, child or step relative), of any member of the Commission or Commission staff including Investigators, or anyone with whom such Commissioner or staff member shares a financial interest in a business, property or other investment, such Commissioner or staff member shall immediately excuse him/herself from any such investigation and shall be denied access to the documents, files, and other information that are used in the investigation. A failure to excuse oneself on the part of a Commissioner shall be grounds for disciplinary actions by the Tribal Council, and any such failure on the part of any staff member, shall be grounds for suspension or termination. The Commission may adopt regulations regulating the conduct of Commissioners and further defining what constitutes a conflict of interest under this Ordinance provided that the regulations are consistent with the provision of this section.

XV. Mandatory Duty to Report Theft

- A. Whenever the Gaming Commission knows or has probable cause to believe, based upon reliable information, that a theft or embezzlement ("theft") of Gaming Facility funds has occurred, the Commission shall immediately notify the Tribal Council, and the General Manager, or, in the event that the suspect is the General Manager, the Tribal Council shall be notified, that such conduct has been committed and shall immediately report the theft and file a complaint with the appropriate law enforcement agency (i.e., Federal Bureau of Investigation, Bureau of Indian Affairs Special Officer, Tribal Police Officer, Sonoma County Sheriff's Department).

XVI. Gaming Observation Systems

- A. The Gaming Commission shall install, operate and maintain adequate observation systems to assure the security of the gaming operations.
- B. The Gaming Commission shall provide adequate staff of observation personnel to maintain 24-hour observation in coordination with the Tribal Police or Casino Security Department.
- C. The Gaming Commission Observation Staff will meet NIGC security clearances and will be required to have completed adequate investigative training commensurate with their responsibilities.
- D. The Observation Staff are employed and directly supervised by the Gaming Commission, but will work cooperatively with Tribal Police or Casino Security Department.

XVII. Violations

- A. No person shall operate or conduct any gaming activity in a Gaming Facility within the boundaries of Tribal Lands without a gaming license issued by the Gaming Commission as required by this Ordinance.
- B. No person shall knowingly submit false or misleading information to the NIGC or the Tribe in response to any provision of the IGRA, Chapter III in Title 25 C.F.R. or a Tribal Ordinance or resolution that the Chairperson has approved under parts 522 or 523 in Title 25 C.F.R.
- C. No management contract shall fail to account fully for all monies received or collected in connection with gaming activities or to file any report required by management contract.
- D. A Gaming Facility shall not refuse to allow an authorized representative of the NIGC or an authorized Tribal Official to enter or inspect a Gaming Facility in violation of 25 C.F.R. Section 571 or Section 571.6 or of a Tribal Ordinance or resolution approved by the Chairperson under parts 522 in Title 25 C.F.R.
- E. No person under the age of eighteen (18) years shall be employed by a Gaming Facility or shall otherwise be permitted to participate in any gaming activities.
- F. No person shall engage in cheating, operating, or playing in a manner which is in violation of the written or commonly understood rules of the game, with the intent to create for himself/herself or someone in privity with him/her an advantage over and above the chance of gaming, in any gaming activity or engage in any fraudulent conduct affecting either the Tribe or a customer of a gaming operation.
- G. No person, other than an officer of the Sonoma County Sheriff's Department, Cloverdale City Police, Federal Law Enforcement Agency or Law Enforcement of the Tribal Police/Security Department, may enter or remain in a gaming establishment licensed under this Ordinance while in the possession of a firearm or other weapon.
- H. Any person who is in privity with a person who violates this Ordinance shall be deemed to be in violation of the Ordinance to the same extent as the violator, and shall be treated accordingly.
- I. No person, whether playing in or conducting any gaming activity authorized under this Ordinance, shall:
 - 1. use bogus or counterfeit cards, or substitute or use any game cards that have been tampered with;

2. employ or have on one's person any cheating device to facilitate cheating in any gaming activity; or
 3. knowingly cause, aid, abet or conspire with another person or cause any person to violate any provision of this Ordinance or any rule adopted under this Ordinance.
- J. A Gaming Facility shall be constructed, maintained, and operated in a manner that does not threaten the environment or the public health and safety.
- K. Alcohol, which is not for sale by the licensee to customers, and/or controlled substances are not to be brought into the Gaming Facility.
- L. Drugs, are not to be brought onto the premises of the Gaming Facility or its grounds, all persons involved will be found in violation of this Ordinance and will be treated in the manner prescribed within this Gaming Ordinance. An exception will be made at the discretion of the Gaming Commission, provided the person has a doctor's prescription.
- M. If Management fails to correct violations within the time permitted in a notice of violation issued by the National Indian Gaming Commission or within fifteen (15) calendar days after the Gaming Commission provides notice of a violation, such failure shall be deemed as further violation by the Management.
- N. The Gaming Commission cannot foresee or anticipate any and all violations. The Gaming Commission reserves the right to take action, issue orders and promulgate such regulations, as the Gaming Commission may deem necessary to properly and fully protect the integrity of the Cloverdale Rancheria or its gaming facility.

XVIII. Notice of Violation

- A. The Gaming Commission may issue a notice of violation to any person for violation of any provision of this Ordinance.
1. Notice of Violation shall contain:
 - (a) a citation to the Ordinance provision that has been or is being violated;
 - (b) a description of the circumstances surrounding the violation set forth in common and concise language;
 - (c) measures required to correct the violation;
 - (d) a statement that the violation must be corrected within five calendar days from the date the notice was issued;
 - (e) a statement of the alleged violator's rights of appeal; and the amount of civil fines that the alleged violator must pay pursuant to Section XX.
 2. In issuing a Notice of Violation under this Ordinance the Gaming Commission may:
 - (a) impose a civil fine not to exceed five hundred (\$500.00) dollars for each violation and, if such violation is a continuing one for each day, that the violation occurs; and/or
 - (b) impose a penalty of one hundred (\$100.00) dollars per day or failure to submit to the Gaming Commission any report required under this Ordinance when it is due, and one thousand (\$1,000.00) dollars per day for failure to file any such report after three-day notice and demand.
 3. The Gaming Commission shall review each notice of violation to determine whether a civil fine will be assessed, the amount of the fine and, in the case of continuing violation, whether such daily violation will be deemed a separate violation for purposes of the total civil fine assessed.
 - (a) Within five (5) calendar days after service of a notice of violation, the alleged violator shall submit written information about the violation and any corrective measures undertaken to the Gaming Commission. The Gaming Commission shall consider any information so submitted in determining the facts surrounding the violation and the amount of the civil fine;
 - (b) The Gaming Commission shall serve a copy of the proposed assessment on the alleged violator within ten (10) calendar days after the Notice of Violation was issued, when practicable; and

- (c) The Gaming Commission may review and reassess any civil fine if necessary to consider facts that were not reasonably available on the date of issuance of the proposed assessment.
- 4. If the alleged violator fails to request a hearing as provided in this Ordinance, the proposed civil fine assessment shall become a final order of the Gaming Commission.
 - (a) civil fines assessed under this section shall be paid by the person assessed and shall not be treated as an operating expense of the Gaming Facility; and
 - (b) if civil fines are treated as an operating expense of the gaming facility, the Gaming Commission may find the person in further violation that would be remedied by actions upon licensure.
 - (c) the Gaming Commission shall transfer civil fines paid under this Ordinance to the Cloverdale Rancheria Tribal Council Treasurer on behalf of the Cloverdale Rancheria for deposit.

XIX. Enforcement

- A. The Gaming Commission shall take any one or a combination of the following actions with respect to any person who violates any provision of this Ordinance:
 - 1. Suspend or revoke any gaming license issued by the Gaming Commission.
 - 2. Bring an action in a court of competent jurisdiction for imposition of one or more of the following sanctions;
 - 3. Seizure of any gaming apparatus, proceeds, or other property of a licensee connected with the gaming activities engaged in by the licensee;
 - 4. Collection of any unpaid fees, interest, penalties, and of any civil fines unpaid after thirty (30) calendar days; or
 - 5. Execution on any nonexempt property of a violator located within the exterior boundaries of the Cloverdale Rancheria.
- B. Civil actions may be brought by the Gaming Commission pursuant to this Ordinance in any court of competent jurisdiction to enforce the imposition of any and all sanctions provided for under this Ordinance.
- C. Before taking any action authorized in Section XVIII and XIX of this Ordinance, the Gaming Commission shall use its best efforts to notify the alleged violator, in person or by letter delivered to his/her last known address, of the charges against him/her, and allow the alleged violator an opportunity for a prompt hearing. If the alleged violator fails to respond, or cannot be found, the Gaming Commission may proceed with a hearing notwithstanding, and take such action as it deems appropriate. Said notice of the alleged violation shall be served at least three (3) business days prior to the hearing.
- D. Every person who applies for a gaming license, and accepts such license; thereby acknowledges the civil enforcement jurisdiction and authority of the Gaming Commission under this Ordinance to order an execution on his/her further conduct of gaming activities and the seizure of his/her gaming equipment or proceeds or other property, upon a proper finding of the Gaming Commission or the court that the person has violated a provision of this Ordinance, despite lack of actual notice, provided that the Gaming Commission has used its best efforts to notify the person, in person or by letter delivered to his/her last known address.

XX. Hearings and Appeals

- A. This Section provides for appeals to the Gaming Commission regarding:
 - 1. a violation alleged in a notice of violation; and
 - 2. civil fines assessed by the Gaming Commission in this Ordinance.
- B. The Gaming Commission shall hold a hearing on the proposed revocation of a gaming license held by a Primary Management Official or Key Employee after it has suspended such license pursuant to 25 CFR Section 558.5. The licensee shall be notified by the Cloverdale Rancheria Gaming Commission, of the time and place for hearing. After the hearing, the Gaming Commission shall decide to revoke or reinstate the gaming license. The Gaming Commission shall notify the National Indian Gaming Commission of its decision.
- C. Any licensee paying a civil fine or penalty for any violation enumerated in this Ordinance because of excusable neglect may petition the Gaming Commission for partial or full waiver of suit, fine or penalty. The petition shall be filed within thirty (30) business days after the payment was made.
- D. Any person aggrieved by a decision made or action taken by the Gaming Commission without notice and opportunity for hearing to the aggrieved person may petition the Gaming Commission for a hearing and reconsideration. The petition shall be filed within thirty (30) business days after the petitioner knew or should have known of the decision or action. The Gaming Commission shall grant a prompt hearing upon receiving such a petition, and shall reconsider its decision or action, affirm, modify, reverse and/or vacate the Gaming Commission's order in light of what is presented at a hearing.
- E. The Gaming Commission must create and implement regulations that define the process of hearings and appeals. The regulation must include at a minimum provisions that provide for notification; detailed hearing process; witness oaths and perjury; decision process and notification of decision made.
- F. The decision of the Gaming Commission is final.

XXI. Dispute Resolution

- A. Any patrons who have a complaint against the Gaming Facility shall have the right to file a petition for relief with the Gaming Commission. For such purposes, disputes with any management contractor or its employees shall be made to the Gaming Commission, and such shall be the exclusive remedy for patron complaints. Complaints shall be submitted in writing and at the discretion of the Gaming Commission, the petitioner may be allowed to present evidence. The Gaming Commission will render a decision in a manner described by Commission regulations, and all such decisions will be final when issued. Any patron having a claim against the Gaming Facility or a management contractor or its employees must submit such claim to the Gaming Commission within thirty (30) days of its occurrence or within such time periods as the Commission shall establish by regulation. All claims by patrons shall be limited to a maximum recovery and a cumulative per patron in any twelve (12) month period, payable by the Gaming Facility or its insured for any actual damages sustained by the patron. The limitations shall be set by the Tribal Council and established by Commission regulation.
- B. The Tribal Council will establish a Tort Liability Ordinance that will meet the minimum standards called forth in the Tribal-State Compact.

XXII. Ejection from Gaming Facility

- A. Notice of warning regarding the improper conduct set out in Section XVII of this Ordinance or other Gaming Facility rules established and enforced by the Gaming Facility shall be posted at the entrance of each Gaming Facility and/or given to the customer upon entering the premises.
- B. The following improper conduct shall result in ejection of a customer from any Gaming Facility:
 - 1. cheating;
 - 2. possession of weapons in the Gaming Facility;
 - 3. possession of alcohol that has been brought by a customer or unauthorized person into the Gaming Facility;
 - 4. possession of a controlled substance in the Gaming Facility;
 - 5. distribution, sale, or consumption of alcohol or drugs on the Gaming Facility grounds or in the Gaming Facility;
 - 6. disorderly conduct, including the willful or wanton disregard for the rights of others; and
 - 7. prostitution;
 - 8. any other acts which is disruptive to the Gaming Facility.
- C. Failure by a customer to provide proof of age when requested by Gaming Facility personnel shall result in ejection of the customer from the premises but admission fees (if any) shall be refunded.
- D. Ejection of a customer shall be accomplished by the Tribal Police/Tribal or Casino Security with support and acknowledgement of the Observation Department. Additional support may be requested by the contracted Law Enforcement Services of the Tribe.
- E. Removal of persons within the Gaming Facility when in coordination with contracted Law Enforcement shall be done in accordance with approved agreements between the Cloverdale Tribal Council and contracted Enforcement Agencies.
- F. Either the Employee Manager or Management Contractor of the Gaming Facility or an alternate designated by either shall be present at all times to resolve complaints by customers involving the operation of bingo and Class I, Class II and Class III games at the establishment.
- G. If the Employee Manager or Management Contractor or their alternates are unable to resolve any dispute, as provided in (D), the matter may upon request of the customer, be referred to the Gaming Commission for resolution. The decision of the Gaming Commission on any dispute so referred to it for resolution shall be final.

XXIII. Service

- A. The Cloverdale Rancheria Tribal Council hereby designates the Tribal Council Chairperson as an agent for service of any official determination, order, or notice of violation submitted by the National Indian Gaming Commission.

XXIV. Applicable Law

- A. All controversies involving contracts relating to Gaming entered into under the authority of the Gaming Commission on Tribal Lands shall be resolved as appropriate, in accordance with:
 - 1. The Laws of the Cloverdale Rancheria;
 - 2. The Indian Gaming Regulatory Act;
 - 3. National Indian Gaming Regulations;
 - 4. State Compact.

XXV. Savings Provision

- A. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are several.

XXVI. Amendments

- A. The Cloverdale Tribal Council is hereby delegated the authority to amend this Ordinance in any manner deemed appropriate by Cloverdale Rancheria General Council to protect the best interests of the Cloverdale Rancheria; provided, however, that the Cloverdale Tribal Council shall have no authority to enact any amendment to this Ordinance that is less restrictive of federal law or would be inconsistent with the terms of an approved Tribal-State Class III compact that is in effect.

XXVII. Repeal

- A. Upon approval of this Ordinance by the Secretary of Interior, all other gaming ordinances previously enacted or amended by the Cloverdale General Council or Tribal Council are hereby repealed.